

# The Gazette of India

## EXTRAORDINARY PART I—Section 1 PUBLISHED BY AUTHORITY

No. 389] NEW DELHI, SATURDAY, SEPTEMBER 6, 1952

### ELECTION COMMISSION, INDIA (Election Tribunal Gorakhpur) NOTIFICATION

*Gorakhpur, the 3rd September, 1952*

No. 1411/XV.—In pursuance of the provisions of sub-section (1) of section 90 of the Representation of the People Act, 1951 (XLIII of 1951), the following election petition presented under section 81 thereof is published for information.

BRIJ NARAIN, *Chairman.*

*Dated 3rd September, 1952.*

IN THE COURT OF THE ELECTION TRIBUNAL, GORAKHPUR.

Present:—Sri Brij Narain—*Chairman.*

ELECTION PETITION No. 224 of 1952.

*Petition of Shri Shibban Lal Saksena, under Section 81 of the Representation of the People Act, 1951.*

Shri Shibban Lal Saksena, son of B. Chhotey Lal, resident of House No. 18, Mohalla Allahdadpur, in Gorakhpur City, who was a candidate for election to the House of People from the Gorakhpur District (North) Parliamentary Constituency—*Petitioner.*

*Versus.*

- |   |                    |
|---|--------------------|
| 1. Shri Hari Shankar Prasad of Gorakhpur, <i>Chairman</i> ,<br>District Board, Gorakhpur. | } <i>Chairman.</i> |
| 2. Shri Iqbal Hussain, Advocate, Gorakhpur.   |                    |
| 3. Shri Krishna Murari Misra, c/o U.P. Jan Sangh,<br>A. P. Sen Road, Lucknow.             |                    |

The humble petitioner begs to submit as follows:—

1. That the petitioner was a candidate for election to the House of People from Gorakhpur District (North), a single-member Parliamentary Constituency, and that the Respondents Nos. 1, 2 and 3 were also candidates for the House of People from the same constituency. The votes declared to have been secured by the several candidates were as follows:—

Petitioner	32,531
Respondent No. 1	67,341
Respondent No. 2	7,839
Respondent No. 3	12,671

As a result of this, Respondent No. 1 was declared elected. The total number of valid votes cast was 1,20,382. 306 votes were rejected. The total number of voters on the rolls of the Constituency was 3,69,000.

2. That this single-member Parliamentary Constituency fell in two Tahsils of the Gorakhpur District, namely Pharenda and Maharajganj and it comprised within it three single-member and one double-member U.P. State Legislative Assembly Constituencies. Polling in the two of the three single-member State Legislative Assembly Constituencies and in the corresponding Pharenda Tehsil part of this Parliamentary Constituency was held simultaneously on 25th day of January, 1952. In the remaining one-single-member and one double-member State Legislative Assembly Constituencies and in the corresponding Maharajganj Tahsil part of the Parliamentary Constituency polling was held simultaneously on the 28th day of January 1952.

3. That corrupt practices specified in Section 123 of the Representation of the People Act, 1951, have been committed by the returned candidate, Respondent No. 1, and the election of the said candidate is void. The said corrupt practices *inter alia* comprise the obtaining or procuring by the said candidate or his agent assistance for the furtherance of the prospects of the candidate's election from persons serving under the Government of the State of Uttar Pradesh other than the giving of vote by such persons. Particulars so far as available at present to the Petitioner are given below: On necessary discovery and inspection being given, more particulars will be given and your petitioner craves leave to add to or vary such particulars at a later date.

4. That Government employees who were not authorised to take part in election except to give their votes worked for respondent No. 1.

5. That the Polling Agents Appointment Forms of the petitioner were illegally rejected by the Returning Officer.

6. That hindrances were put in the way of petitioner's voters casting their votes.

7. That ballot boxes were not kept in safe custody nor were they properly sealed by the presiding officers.

8. That the counting of votes was postponed from day to day during which period they were tampered with.

9. That ballot paper accounts were not made by presiding officer at the close of the polling.

10. That packets of ballot papers were opened by the Returning Officers without any authority to do so.

11. That the statement of accounts of respondent No. 1 is false and should be rejected.

12. That the respondent No. 1 was disqualified for being a candidate for the House of the People on the date of nomination.

(Sd.) SHIBBAN LAL SAKSENA,  
*Petitioner.*

Dated 22nd April 1952.

I solemnly affirm that the facts in paras. Nos. 1, 2, 5, 8 are true to the best of my knowledge and the facts in the remaining paras. 3, 4, 6, 7, 9, 10, 11 and 12 are true to the best of my information and belief.

(Sd.) SHIBBAN LAL SAKSENA,  
*Petitioner.*

Dated 22nd April 1952.

#### IN THE COURT OF ELECTION TRIBUNAL, GORAKHPUR.

Present:—Sri Brij Narain—*Chairman.*

ELECTION PETITION NO. 224 OF 1952

Petition of Shri Shibban Lal Saksena, under section 81 of the Representation of the People Act, 1951.

Shri Shibban Lal Saksena, son of B. Chhotey Lal, resident of House No. 18, Mohalla Allahdadpur, in Gorakhpur City, who was a candidate for election to the House of

the People from the Gorakhpur District (North) Parliamentary Constituency.—  
*Petitioner.*

*Versus.*

1. Shri Hari Shanker Prasad of Gorakhpur, Chairman, District Board, Gorakhpur.	} Respondents.
2. Shri Iqbal Hussain, Advocate, Gorakhpur.	
3. Shri Krishna Murari Misra, c/o U.P. Jan Sangh A. P. Sen Road, Lucknow.	

*Statement of facts*

The humble petitioner begs to submit as follows:—

1. That the petitioner and respondents Nos. 1, 2 and 3 were candidates for the House of the People from the Gorakhpur District (North) Constituency, and while the respondent No. 1 was declared elected, the petitioner and the respondents Nos. 2 and 3 were declared defeated.

2. That polling in this Constituency took place on two days, namely January 25th and January 28th, 1952.

3. That corrupt practices specified in section 123 of the Representation of the People Act, 1951, have been committed by the returned candidate, respondent No. 1 and the election of the said candidate is void. Particulars of the corrupt practices resorted to are given in detail in the following paragraphs, on the basis of information already available. The petitioner craves leave to add to these particulars at a later date, if and when he has examined all the election papers.

(i) That most of the Sarpanches, Panches and Secretaries of Adalati Panchayats, and Presidents and Vice-Presidents of the Gaon Panchayats, and teachers of Government Primary schools, who are all government servants, as also teachers of District Board Primary and Junior High schools and other District Board staff were made by respondent No. 1 to work as his canvassers, and quite a large number of them were appointed by respondent No. 1 as his Polling Agents under the Representation of the People Act, 1951, and the Representation of the People (Conduct of Elections and Election Petitions) Rules No. 12. The respondent No. 1 was in a position to secure most of the above-named servants of the Government to work for him and to act as his Polling Agents because of his position as Chairman of the Gorakhpur District Board and as Chairman of the Committee which appointed the Secretaries of the Adalati Panchayats and the Gaon Panchayats and as Incharge of the Training Camp of Sarpanches, Panches and Secretaries of Adalati Panchayats held after their election and/or selection.

(ii) That as the lists of the Polling Agents appointed by respondent No. 1 are not available for inspection in the election office in Gorakhpur, the petitioner is not able to get the exact names and other particulars of all these Sarpanches, Panches and Secretaries and other Government servants and village officials who acted as his Polling Agents (for respondent No. 1) and the petitioner will file the full list of such names when the list of Polling Agents appointed by respondent No. 1 has been made available to him. Some of the persons who are serving under the Government of Uttar Pradesh as Sarpanches, Panches or Secretaries of Adalati Panchayats or President or Vice-Presidents of Gaon Sabhas, or teachers in Government schools or other Government servants or village officials serving under the Uttar Pradesh Government, and whose names are available to the Petitioner and who acted as Polling Agents or canvassers or both for respondent No. 1 are given in Schedule No. I.

(iii) That the respondent No. 1 who is the Chairman of the Gorakhpur District Board and as such controls all the District Board and Government Primary schools and other employees of the District Board, misused his authority by promoting only those teachers as Headmasters in July and August, 1951, who agreed to work for him in the ensuing General Elections and he posted many of these promoted Headmasters in schools falling within the Gorakhpur District (North) Parliamentary Constituency. He even overstaffed the schools within his constituency so as to enable these teachers to have a free time for canvassing etc.

(iv) That the respondent No. 1 is also the Chairman of the Committee which appointed the Secretaries of the Panchayat Adalats and Gaon Panchayats, many of whom are, therefore, indebted to him for their appointment. These Inspectors and Secretaries of the Panchayati Adalats and some school teachers worked as canvassers in the villages for respondent No. 1 and also helped him when they served as official polling clerks to do various duties at the Polling Stations on the polling days. A

very large number of the official polling clerks in this constituency were drawn from these District Board school teachers and secretaries of the Adalati Panchayats, and they indulged in all sorts of malpractices to help respondent No. 1. Their list is given in Schedule No. 11.

(v) That a large number of voters for the petitioner were improperly received and/or were not allowed to cast their vote, as no Polling Agents of the Petitioner had been allowed to be present inside the polling booths in the constituency.

4. That the corrupt practices stated above have materially affected the result of the election in this Constituency.

5. That the result of the election has been materially affected by the non-compliance with the provisions of the Representation of the People Act and Rules relating to the elections. Particulars so far available are given below:—

(i) That the petitioner submitted notices of the appointment of Polling Agents by presenting 510 letters of appointment in Form VI in accordance with Rule 12 of the Representation of People (Conduct of Elections and Election Petitions) Rule, 1951 (hereinafter referred to as the Rules) for the polling scheduled to be held on the 25th day of January 1952, in that part of the Parliamentary Constituency which fell in Pharenda Tahsil, to the Assistant Returning Officer (the Returning Officer not being present) on the 22nd day of January 1952, at 10 a.m. The Assistant Returning Officer illegally refused to accept the forms on the ground that these should have been submitted not only three days before the polling day but also 72 hours before the time scheduled for the commencement of the polling on the 25th day of January, 1952, i.e., before 8 a.m. on the 22nd day of January, 1952. The petitioner sent a telegram to the Election Commissioner on the 23rd day of January, 1952, protesting against the illegal and arbitrary rejection of his Polling Agent appointment forms, under a wrong interpretation of Rule 12(2) of the Rules by the Returning Officer.

(ii) That 840 letters of appointment of Polling Agents for polling scheduled to be held on the 28th day of January, 1952, were taken to the house of the Returning Officer, Mr. C. B. Dube, on the 25th day of January, 1952, at 7-30 a.m., but he was away supervising elections in Pharenda. The forms were therefore then taken to the house of the Election Officer, Mr. Chaturvedi, at 7-45 a.m., but he too was away. The forms were, therefore, submitted in the Election Office when it opened at 10 a.m., but they were not accepted on the plea that they should have been submitted before 8 a.m. The protest that there was nobody to accept these forms at 8 a.m. anywhere was not heeded to. A telegram informing the authorities about this high-handed and illegal refusal to accept the petitioner's polling agent appointment forms was sent to the Chief Electoral Officer Uttar Pradesh, on the 25th day of January, 1952. A copy of the order dated the 13th day of March, 1952, passed by Shri C. B. Dube, I.A.S., Returning Officer and District Magistrate, Gorakhpur, in this connection is attached as Schedule III.

(iii) That the rejection of the Polling Agent Appointment Forms for both the pollings to be held on the 25th and the 28th day of January, 1952, was wrong and illegal.

(iv) That as a result of this wrongful and illegal rejection of the Polling Agents' Appointment Forms not a single Polling Agent of the petitioner could be present at any of the 410 polling booths in 138 widely separated polling stations, and as result thereof:—

(a) The petitioner's seals could not be put on the ballot boxes at the commencement of the polling and at the close of the polling, thereby making it possible for the ballot boxes to be tampered with during the period between the day of polling and the day of counting of votes, which period was extended from day to day for this very purpose.

(b) At many of the polling stations, voters of the Respondent No. 1 were almost the only persons allowed to enter the polling booths to cast their votes, while the voters of the petitioner were not allowed to enter the polling booths, or they were made to stay out for long hours in the hot sun thereby compelling them to return home without casting their votes for the petitioner. A list of polling stations where the petitioner's voters had to return without casting their votes is given in Schedule IV.

(c) At many of the polling stations, ballot papers for the House of the People were not given at all to ignorant voters, who were told to go away after casting their votes for the State Legislative Assembly as their work had been done, and when they had left the polling booths, their ballot papers for the House of the

People were issued and put into the ballot boxes of respondent No. 1 either by the presiding and polling officers themselves or through some intelligent voters supporting the respondent No. 1. Polling stations where this was done are included in Schedule No. IV.

(d) At most of the polling stations, the presiding and polling officers refused to explain properly the manner of casting of votes to female voters and they were misgudged by being told that they had merely to put their ballot papers on the ballot boxes of their choice and subsequently when they had left these ballot papers lying on the ballot boxes of the petitioner were collected and put inside the ballot boxes of respondent No. 1.

(e) Ballot papers for absentee voters were issued and put into the ballot boxes of the respondent No. 1 at the close of the polling. Polling stations where this was done are included in Schedule IV.

(f) No check could be provided against putting different symbols inside and outside the ballot boxes. At some of the polling stations, before the polling commenced, while the petitioner's symbol of 'hut' was pasted inside his ballot boxes the symbol of the Congress candidate, respondent No. 1 namely 'pair of bullocks' was pasted outside these ballot boxes, while in the ballot boxes of the respondent No. 1, the symbol of 'pair of bullocks' was pasted inside and the symbol of 'hut' was pasted outside, but at the conclusion of the polling and before the counting took place, the symbols pasted outside the ballot boxes of the petitioner and the respondent No. 1 were removed and replaced by the symbols same as those inside the ballot boxes. Polling stations where this was done are included in Schedule IV.

(g) At many of the polling stations, the voters for the petitioner were misgudged by the presiding and polling officers by being told that the petitioner was seeking election on the Congress ticket and his symbol was that of the 'pair of bullocks' and they should put their votes inside the ballot boxes bearing that symbol, although his boxes bore the symbol of 'hut' and he was not a Congress candidate. Polling stations where this was done are included in Schedule IV.

(h) At most of the polling stations, the ballot boxes were not properly closed and sealed by putting the knot after drawing the thread tightly through the holes in the covering lid in such a manner that the ballot boxes could be opened without breaking the seals, thereby making it possible for the ballot boxes to be tampered with so that ballot papers contained in the petitioner's ballot boxes could be taken out and transferred to the ballot boxes of the respondent No. 1.

(v) That when the counting of votes took place and the ballot boxes began to be opened, the petitioner was surprised that the polling stations where he had secured a vast majority of votes were showing adverse results from the contents of the ballot boxes with the result that his suspicions of foul play were aroused and he decided to examine the seals of the ballot boxes more carefully and closely, when he discovered that the ballot boxes of more than half of the polling stations could be opened without breaking the seals. The petitioner actually opened many of them in the presence of the Returning Officer and the Returning Officer admitted this fact in writing in his order on the objection filed by the petitioner before him at the time. A copy of the petitioner's objection and the Returning Officer's order thereon is attached herewith as Schedule V.

(vi) That the ballot boxes used in this Constituency and all other Constituencies in the Uttar Pradesh were very defective and could easily be tampered with, as they had been got prepared not by the Election Commission but by the U.P. Government on the plea that they could be got done cheaper. The petitioner had suspected foul play when he saw them for the first time and protested in writing to the Election Commission, long before the elections, on October 27th, 1951, that the ballot boxes made for the elections in Uttar Pradesh were very defective and of a very inferior quality.

(vii) That after the conclusion of the polling, the ballot boxes were not kept with any lock and seal in any closed room, for safe custody, but only in open barracks in the Police Lines of Gorakhpur.

(viii) That the counting of votes of the petitioner was originally fixed for the 4th day of February 1952, but the votes were not counted on that day. Various dates were fixed thereafter, i.e. 5th, 12th and 18th February 1952, but the counting was deferred from day to day, again and again, and it was actually commenced on the 19th day of February 1952, thereby giving every opportunity for tampering with the ballot boxes. If the counting had taken place on the 4th day of February 1952.

as fixed originally, the petitioner would have been declared elected. Copies of the two orders dated February 4, 1952, and February 19, 1952, are attached as Schedule VI.

6. That provisions of Rule 33 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, relating to the account of ballot papers to be prepared by the presiding officers after the close of the poll were not complied with at a number of polling stations, as no accounts were prepared by them at the time in Form 10 showing the total number of ballot papers entrusted to them, for the polling stations or for each of the polling booths thereof and the number of ballot papers returned by them to the Returning Officer as unused, tendered and returned ballot papers as also the number of ballot papers which should be found in the ballot boxes.

7. That provisions of rule 52 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, relating to the production and inspection of election papers were not complied with, which is clear from the fact that when the petitioner applied for the inspection of accounts and other papers connected with the election on the 14th day of April 1952, before the Returning Officer in Gorakhpur, and it became known that the petitioner was filing an election petition, the local authorities got alarmed and they began to put all sorts of obstructions in the way of the accounts and other papers being inspected by the petitioner and the different Returning Officers began to open the seals of the packets of ballot papers and checked their ballot papers accounts to see that there was no difference in the number of ballot papers issued at the various polling booths and the number found in the ballot boxes and those remaining unused, without any authority from a competent court or Tribunal, in direct breach of Rule 52(1). Some of the presiding officers who had not filled up the forms of ballot paper accounts in Form No. 10 were sent for and made to fill the forms as desired by the Returning Officers. This was done for Parliamentary Constituency in Gorakhpur District (North) and for each of the State Legislative Assembly Constituencies in the Maharajganj and Pharenda Tehsils. The petitioner immediately after his return to Delhi gave an application to the Election Commission setting out the facts and urging it to seize the ballot paper accounts of his Constituencies as also of the six State Legislative Assembly Constituencies in Maharajganj and Pharenda Tehsils.

8. That the Respondent No. 1 continues to be the Chairman of the Gorakhpur District Board and most of the local subordinate officials of the district have been siding with him in the elections, and the petitioner is afraid that attempts would be made to tamper with the election papers in Gorakhpur District (North) Constituency, so as to nullify the grounds mentioned in this petition, and he requests the Election Commission to secure the following lists from Gorakhpur before sending out copies of this petition to the respondent No. 1 and otherwise making its contents public, so as to prevent the alteration of the records in the light of the same:—

- (i) List of the names of Sarpanches, Panches and Secretaries of Adalati Panchayats in the Pharenda and Maharajganj Tahsil Panchayatwise;
- (ii) List of the Polling Agents appointed by Mr. Har Shanker Prasad, respondent No. 1, as also of all the six Congress candidates for the State Legislative Assembly from the Pharenda and Maharajganj Tahsils;
- (iii) List of the presiding officers, the polling officers and polling clerks who worked at the various polling booths and stations in the entire Gorakhpur District (North) Constituency for the House of the People.

9. That the Returning Officer of Pharenda North, Pharenda Central and Pharenda South State Legislative Assembly Constituencies has gone out of his way to help the Congress candidates to such an extent that he allowed Shri Dwarka Prasad Pandey, returned Congress candidate from the Pharenda South Constituency for the Uttar Pradesh Legislative Assembly to file his declaration form as agent on Rs. 2 stamped paper on 14th April, 52 in a back date, namely 10th April, 1952, and accepted the declaration form of Shri Ram Avadh Singh, the returned Congress candidate from the Pharenda North Constituency for the Uttar Pradesh Legislative Assembly, although it was not made on the Rs. 2 stamped paper as required by the law and permitted the said Mr. Ram Avadh Singh to file a blank Rs. 2 stamped paper with the signatures of Mr. Ram Avadh Singh on 14th April 1952, but without any date on it to show that it had been filed on 12th April 1952. The petitioner has therefore requested the Election Commission to seize the accounts of the Congress candidates from the Pharenda and Maharajganj Tahsils for the Uttar Pradesh Legislative Assembly to prevent tampering.

10. That the accounts submitted by the Respondent No. 1 are false and that the expenditure incurred by him is much higher. He has hidden many expenses, such as those incurred on the printing of voters' cards for the polling days and other items of printing and publicity, those incurred on the supply of woollen blankets and uniforms to his workers, and those incurred on his polling agents on the day of the pollings. They should therefore be rejected.

11. That the respondent No. 1 was disqualified from being a candidate for the election to the House of the People on the day he filed his nomination for the Gorakhpur District (North) Constituency, as he was Chairman of the Gorakhpur District Board on that day, which is an office of profit in terms of the Constitution of India and Representation of the People Act, 1951.

12. That as a result of the above malpractices, the petitioner was declared defeated at the said election.

13. That as the petitioner is leaving today for China on a tour of about a month and a half, notices in connection with this petition may kindly be issued to him after 15th day of June, 1952 and not earlier, when he hopes to return.

*Prayer.*

The petitioner, therefore, prays that the election of respondent No. 1 be declared null and void and set aside and re-election ordered in the said Constituency.

(Sd.) SHIBBAN LAL SAKSENA,

*Petitioner.*

*Dated 22nd April 1952.*

I solemnly affirm that the facts in paras. 1, 2, 5(i), 5(ii), 5(iv)(a), 5(v), 5(vi), 5(viii) and 13 are true to the best of my knowledge and the facts in the remaining paras. are true to the best of my information and belief.

(Sd.) SHIBBAN LAL SAKSENA.

*Petitioner.*

*Dated 22nd April 1952.*

#### SCHEDULE I

A. List of persons serving under Government who were active canvassers of Respondent No. 1, some of whom were appointed as his polling agents also:—

1. Shri Madhuban Pandey, Sarpunch Adalati Panchayat, Gopalpur.
2. Shri Vishwa Nath Tripathi, Secretary, Adalat, Pharenda Buzurg.
3. Shri Jhinno Prasad, Adalati Punch, Pharenda Buzurg.
4. Shri Rupai, President Gaon Sabha, Pharenda Buzurg.
5. Shri Ram Adhare, Punch, Udidpur.
6. Shri Mahadev Kalwar, Adalati Punch, Pharenda Buzurg.
7. Sheikh Kasim Ali, Adalati Punch, Pharenda Buzurg.
8. Shri Haribans Prasad, President G. S., Udidpur.
9. Shri Kalpa Nath, Vice-President G. S., Lejruwa.
10. Shri Ashik Ali, Adalati Punch, Pharenda Buzurg.
11. Shri Ram Lalit, President G. S., Lejruwa.
12. Shri Bal Kisun, President G. S., Lejruwa.
13. Shri Ishwar Saran Lal, Adalati Punch, Pharenda Buzurg.
14. Shri Lal Bahadur Singh, Sarpunch, Pharenda Buzurg.
15. Shri Ram Kumar Pahari, Sarpunch, Parsabeni.
16. Shri Udai Raj, Adalati Punch, Parsabeni.
17. Shri Ram Adhar, President G. S. Parsabeni.
18. Shri Thakur Prasad, Adalati Punch, Parsabeni.
19. Shri Ram Shankar Sahi, Kiln Inspector, Parsabeni.
20. Shri Sheshnath, President G. S., Vazirdih.
21. Shri Ram Ball Ahir, Adalati Sarpunch, Shahpur.
22. Shri Kishore, Secretary Adalat, Karmaha.

23. Shri Bhagwati, President G. S., Shahpur Jungle.
24. Shri Dwarika, Adalati Punch, Shahpur.
25. Shri Moti Dube, Punch, Pharenda Khurd.
26. Shri Bansraj Ahir, President G. S., Barehra
27. Shri Abdul Rehman, Sarpunch, Shahabad
28. Shri Uttam Rai, President G. S., Sonchiraiya.
29. Shri Bhima Choudhury, President G. S., Pakherbhinna.
30. Shri Kedar Nath Pandey, President G. S. Mathuranagar.
31. Shri Shohrat Ahir, Sarpunch Adalat, Nipania.
32. Shri Kamalmani Shukla, Sarpunch Adalat, Jara.
33. Shri Basdeo, Sarpunch Adalat, Maganpurwa.
34. Shri Sadanand, President G. S. Ajgarha Kalan.
35. Shri Deep Chand Pandey, Sarpunch Adalat, Hanumangarhia.
36. Shri Avadh Raj Tewari, Inspector Panchayats, Nautanwan.
37. Shri Sahdeo, Secretary, Panchayat, Korahwa.
38. Shri Bhagwati Pathak, President G. S., Jara.
39. Shri Ganga Sharan, Vice-President G. S., Kuserwa.
40. Shri Ram Lakhan, President, G. S., Purainia.
41. Shri Jai Karan, President G. S., Hathihawa.
42. Shri Ram Raj Pathak, President G. S., Baikunthpur.
43. Shri Ram Kumar, President G. S., Charwana.
44. Shri Bhola, Secretary, Amahwan.
45. Shri Santmani, Secretary, Jara.
46. Shri Abdul Wahab, Punch, Bagaha.
47. Shri Chandeshwari Lal, President G. S., Jamuhanl.
48. Shri Gopal Singh, President G. S., Jugauli.
49. Shri Sarju Das, President G. S., Bhagwanpur.
50. Shri Ram Adhar Pandey, Vice-President G. S., Bhagwanpur.
51. Shri Bhagwati Yadav, Punch, Harhawa.
52. Shri Chandra Deva Tripathi, President G. S., Sirasia East.
53. Shri Baij Nath Singh, Punch, Shishmahal.
54. Shri Bhagwati Upadhyaya, President G. S., Chhepwa.
55. Shri Janardan Pandey, Sarpunch, Khoria.
56. Shri Rajpat Shukla, Sarpunch, Parauli.
57. Shri Gauri Shankar, Adalati Sarpunch, Mahuawa.
58. Shri Avadh Raj Tewari, President G. S., Charwar Khurd.
59. Shri Kauleshwar, Adalati Sarpunch, Charwar Khurd.
60. Shri Indra Bali Singh, Adalati Punch, Siswa Khoria.
61. Shri Chandra Deva Tripathi, Punch and President G. S., Siswa.
62. Shri Kashi Lal, Adalati Punch, Siswa Khoria.
63. Shri Baljnath Singh, Adalati Punch, Saswanla.
64. Shri Ram Rajya Pathak, Punch & President G. S., Baikunthpur.
65. Shri Bahwari Lal, Patwari, Baikunthpur.
66. Shri Sunder Singh, Adalati Punch, Jugauli.
67. Shri Gopal Singh, Adalati Punch, Jugauli.
68. Shri Shankar, Adalati Punch, Jugauli.
69. Shri Ram Lal, Adalati Punch, Sheotari.
70. Shri Akbar Ali, President G. S., Sheotar.
71. Shri Nazir Ahmad, Adalati Punch & Vice-President G. S., Sheotar.
72. Shri Indra Kamal Choudhury, Adalati Punch, Taraini.
73. Shri Murlidhar Upadhaya, Sarpunch, Shishgarh.



74. Shri Bashir Ahmed, Adalati Punch, Shishgarh.
75. Shri Bhola Lal, Secretary, Shishgarh.
76. Shri Sukhdeva, Sarpunch, Bhagatpurwa.
77. Shri Baij Nath, Adalati Punch, Manikapur.
78. Shri Shyam Lal, Adalati Punch & Presdt. G. S., Kamarhla Buzurg.
79. Shri Sadhu Saran Lal, Adalati Punch, Kamarhla Buzurg.
80. Shri Ram Sumer Tripathi, Adalati Sarpunch, Addabazar.
81. Shri Ram Ugrahi, Sarpunch, Madill.
82. Shri Dip Chand, Adalati Sarpunch, Bairwa Chandapur.
83. Shri Mahadeva, Adalati Sarpunch, Bairwa.
84. Shri Gaya Kurmi, Adalati Sarpunch, Dashrathpur.
85. Shri Mahadeva Yadava, Adalati Punch, Raghunathpur.
86. Shri Rambali Prasad, Adalati Punch, Raghunathpur.
87. Shri Sudama Prasad, President G. S., Basantpur.
88. Shri. Chunmun, Secretary, Basantpur.
89. Shri Ram Dulare Misra, President G. S., Chautarwa.
90. Shri Pashupatinath Gupta, Sarpunch, Paisia.
91. Shri Dulare Pandey, Sarpunch, Bakainia.
92. Shri Ram Pearey, Adalati Punch & President G. S., Barhora.
93. Shri Lakshmi, President G. S., Dhorehra.
94. Shri Ganga Sharan, President G. S., Bargadhi.
95. Shri Ram Lagan Mallah, Adalati Punch, Mahuawa.
96. Shri Abhilakh, Adalati Punch, Shukauli.
97. Shri Gauri Shankar Misra, Adalati Punch, Kewatanla.
98. Shri Munna Lal, Patwari, Kunserwa.
99. Shri Vishwa Nath Tewari, Secretary, Nipania.
100. Shri Gorakh Lal, Patwari, Jara.
101. Shri Parmeshwar, President G. S., Lakshmiपुर Ekdanga.
102. Shri Ram Bahadur Sahi, Sarpunch & President, Barehra.
103. Shri Tilakdhar, President G. S., Harpur Mahanthi.
104. Shri Vanshraj, Vice-President G. S., Harpur Mahanthi.
105. Shri Shahid Ahmad, Sarpunch, Bhitauli.
106. Shri Suryaman, Adalati Punch, Bhitauli.
107. Shri Ismail Khan, Adalati Punch, Bhitauli.
108. Shri Parmeshwar Pandey, Adalati Punch, Bhitauli.
109. Shri Goli Rai, President G. S., Semra.
110. Shri Durga Shukel, President G. S., Bagapar.
111. Shri Surya Bali Shukla, Sarpunch, Bagapar.
112. Shri Uma Shanker Pandey, Sarpunch, Panewa.
113. Shri Lallan Prasad, Vice-President G. S., Mahrajganj.
114. Shri Salamat Ullah, Adalati Punch, Maharajgunj.
115. Shri Mahmud, Adalati Punch, Khemplipra.
116. Shri Ram Adhar, Vice-President G. S., Mahdeva.
117. Shri Raghubar Das, Adalati Punch, Patregwa.
118. Shri Ram Saran Das, Sarpunch, Mahuawa.
119. Shri Sadhu Saran Singh, Sarpunch, Senduria.
120. Shri Ramji Ahir, Adalati Punch, Mahuawa.
121. Shri Moti Prasad, President G. S., Chehri.
122. Shri Rup Narain Pandey, President Sundeurwa.
123. Shri Vishwa Nath Pandey, Adalati Punch, Samdeurwa.
124. Shri Chhedi Kurmi, President G. S., Mahamda.
125. Shri Lagan, Adalati Punch, Mahamda.

126. Shri Uma Shankar, Adalati Sarpunch, Mandabhar
127. Shri Sant Prasad Shukla, Secretary, Ghughli.
128. Shri Ram Avadh Das, Sarpunch, Chaumukha.
129. Shri Hari Prasad, President G. S., Khanpur.
130. Shri Bhulal, Secretary, Pakri.
131. Shri Jamuna Tewari, Sarpunch, Bagapar.
132. Shri Lalchand Misra, Vice-President G. S., Bagapar.
133. Shri Jhinkoo Nath, Sarpunch, Chowk Bargadhi.
134. Shri Suraj Bali, Vaid, Vice-President G. S., Khajni.
135. Shri Rabu Ram, President G. S., Panewa.
136. Shri Girish Narain Pandey, Sarpunch, Mohanapur.
137. Shri Barkat Ullah, Adalati Punch, Khemplpra.
138. Shri Ram Niranjana Lal, Patwari, Natwa.
139. Shri Khakhri Pandey, Vice-President G. S., Neta.
140. Shri Sripat Pandey, Vice-President G. S., Rudhauli.
141. Shri Ram Karakh Das, Vice-President G. S., Lakhania.
142. Shri Bindhyachal Das, Vice-President G. S., Rampur Buzurg.
143. Shri Suraj Man Sharma, D. B. Headmaster, Semra, Pr. School.
144. Shri Sadhu Saran Singh, Sarpunch, Sardeha.
145. Shri Moti Prasad, Teacher, Chchri.
146. Shri Pauhari Sarup, D. N., School Teacher, Sekhui.
147. Shri Beni Prasad, Sarpunch, Rajwal.
148. Shri Ramji Yadav, Punch, Pakri Nonia.
149. Shri Ram Sunder Singh, D. B. Overseer, Khutha.
150. Shri Kamta Das, President G. S., Imlia.
151. Shri Badri Kurmi, President, Madila Chaudhry.
152. Shri Mangal Das, President G. S., Jonar.
153. Shri Sohni, Chaprasi, Tehsil Maharajgunj.
154. Shri Nazir, Chaprasi, Tehsil Maharajgunj.
155. Shri Brahma Das, Punch, Sonra.
156. Shri Mohd. Sami Shah, Sarpunch, Ghughli.
157. Shri Kamla Singh, Sarpunch, Ghughli.
158. Shri Ram Ugrah Das, Sarpunch, Munderi.
159. Shri Arjun Pandey, President G. S., Mednipur.
160. Shri Mangal Murti Lal, Sarpunch, Mednipur.
161. Shri Jhinkoo Singh, President G. S. Munderi.
162. Shri Shiva Mangal Lal, Patwari, Rampur Baldiha.
163. Shri Kashi Singh, D. B. School Teacher on deputation.
164. Shri Rama Shankar Sahi, Chief Tax Inspector, Dist. Bd.
165. Shri Khalil constable, thana Maharajgunj.
166. Shri Ram Kishen Singh, Supervisor Qanungo, Nautanwan.
167. Shri W. N. Shukla, Tehsildar, Pharenda.
168. Shri V. N. Rai, S.D.M., Pharenda.

**B. List of Presidents and Vice-Presidents of Gaon Sabhas who acted as Polling Agents for respondent No. 1:—**

1. Azamat Khan, President, G. S., Sonwal.
2. Shri Mohendra Prasad Shukla, President G. S. Kataikot.
3. Shri Abdul Majid Khan, Vice-President G. S., Paisia.
4. Shri Taya Nath Misra, Vice-President G. S., Badgaon.
5. Shri Bans Raj, President G. S., Sahjanwan.
6. Shri Sukhdeo, Vice-President G. S., Kanepur.

7. Shri Ram Hlt, Vice-President G. S., Mainahwan.
8. Shri Bhagwati Prasad, Vice-President G. S., Labdha.
9. Shri Ram Bali, Vice-President G. S., Karmahwa Buzurg.
10. Shri Chirkut, President G. S., Bargahpur.
11. Shri Kalap Nath, Vice-President G. S., Lejar Mahdewa.
12. Shri Balbhadra, Vice-President G. S., Marahta.
13. Shri Sukhdeo Prasad, Vice-President G. S., Gopalpur.
14. Shri Mahadeo Prasad, President G. S. Durgapur.
15. Shri Ram Bharat, President G. S., Nausagar.
16. Shri Ajodhya Ram, President G. S., Nainsar.
17. Shri Ram Lakhan, President G. S., Karmaha.
18. Shri Ram Adhar Tewari, Vice-President G. S., Udipur.
19. Shri Tirbeni, Vice-President G. S., Hatabela Haria.
20. Shri Ram Ball, Vice-President G. S., Dhondhgat.
21. Shri Bhagwati, President G. S., Jara.
22. Shri Sheshman, Vice-President G. S., Baraini.
23. Shri Faiz Ullah, President G. S., Pipra.
24. Shri Durga Prasad, Vice-President G. S., Pipra.
25. Shri Asharfi, President G. S., Manikapur.
26. Shri Shyam Lal, President G. S., Kamarhia Buzurg.
27. Shri Maqdoom Bux, Vice-President G. S., Kamarhia Buzurg.
28. Shri Tilakdhari, President G. S., Harpur.
29. Shri Nirhu, Vice-President G. S., Khancha.
30. Shri Raghunath, Vice-President G. S., Rajwal.
31. Shri Moti Lal, President G. S., Belwa Tikar.
32. Shri Ram Harakh Lal, Vice-President G. S., Kamasin Buzurg.
33. Shri Kishen Das, President G. S., Patregon.
34. Shri Lallan Dass, Vice-President G. S., Maharajgunj.
35. Shri Sahdeo, President G. S., Semara Chandrauli.
36. Shri Avadh Raj, Vice-President G. S., Kaini.

#### SCHEDULE II

List of Polling Stations where the official polling officers and clerks were drawn from Secretaries of Panchayati Adalats, Teachers of the District Board and Government Schools and other District Board employees, who were under obligation to Respondent No. 1 and therefore indulged in malpractices against the petitioner—

- |                     |                        |
|---------------------|------------------------|
| 1. Surpar.          | 13. Ganeshpur.         |
| 2. Katalkot.        | 14. Baisar.            |
| 3. Sonchiraiya.     | 15. Bargahpur.         |
| 4. Babhani.         | 16. Nainsar.           |
| 5. Laukahi.         | 17. Misraulia.         |
| 6. Sahjanwan.       | 18. Pirthipalgarh.     |
| 7. Allahabas.       | 19. Hata Bela Haraiya. |
| 8. Agya.            | 20. Bridgmangunj.      |
| 9. Sohrauli Buzurg. | 21. Nawasagar.         |
| 10. Pharenda.       | 22. Mahadewa.          |
| 11. Lajar Mahdewa.  | 23. Hardidali.         |
| 12. Anandnagar.     | 24. Nautanwan.         |

- |                            |                         |
|----------------------------|-------------------------|
| 25. Sihorwa.               | 78. Belwa Tikar.        |
| 26. Barwa Khurd            | 79. Bharwalia.          |
| 27. Siswa Khoria.          | 80. Ghughli.            |
| 28. Siswanla.              | 81. Bhubana.            |
| 29. Baikunthpur.           | 82. Mednipur.           |
| 30. Jara.                  | 83. Chaumukha.          |
| 31. Jugauli.               | 84. Barigaon.           |
| 32. Nipania.               | 85. Banspar.            |
| 33. Sheotari.              | 86. Rampur Baldiha.     |
| 34. Taraini.               | 87. Pakri Bishunpur.    |
| 35. Pipra.                 | 88. Harpur Mahanthi     |
| 36. Shishgarh.             | 89. Tarkulwa.           |
| 37. Manikapur.             | 90. Partawal.           |
| 38. Kamharia Buzurg.       | 91. Lakhima.            |
| 39. Maghlaha.              | 92. Mohamadpur.         |
| 40. Addabazar.             | 93. Parsia Indarpur.    |
| 41. Bairawa Chandapur.     | 94. Katsari.            |
| 42. Karaila Ajgaha.        | 95. Buhara Baraipur     |
| 43. Dashrathpur.           | 96. Shyamdarwa.         |
| 44. Raghunathpur.          | 97. Harpur.             |
| 45. Basantpur.             | 98. Sonchiraiya.        |
| 46. Chautarwa.             | 99. Delwa Buzurg.       |
| 47. Faisia.                | 100. Dharampur.         |
| 48. Barhara Bishwanathpur. | 101. Mithaura.          |
| 49. Rang Chauk.            | 102. Panaira.           |
| 50. Karauta.               | 103. Khamcha.           |
| 51. Khosta.                | 104. Kamasin.           |
| 52. Sekhul.                | 105. Gonha.             |
| 53. Rautar.                | 106. Gangl.             |
| 54. Nichlaul.              | 107. Narkatha           |
| 55. Hargaon.               | 108. Debipur.           |
| 56. Jammī Kalan            | 109. Majuri.            |
| 57. Kordah.                | 110. Sohas.             |
| 58. Thuthibhar.            | 111. Baida.             |
| 59. Dhanaur.               | 112. Jungle Burhan      |
| 60. Baithaulia.            | 113. Mundila.           |
| 61. Ahirauli Bajha.        | 114. Chehari            |
| 62. Semrahna.              | 115. Matihana.          |
| 63. Mithaura Bazar.        | 116. Khanpīpra          |
| 64. Semari.                | 117. Bhitauli           |
| 65. Kaini.                 | 118. Imli.              |
| 66. Pakri.                 | 119. Gaunaria           |
| 67. Bisokhar.              | 120. Karmaha.           |
| 68. Sabya.                 | 121. Rajwal.            |
| 69. Siswa Bazar.           | 122. Mujana Buzurg      |
| 70. Bijapur.               | 123. Sunderia.          |
| 71. Kothibhar.             | 124. Patrangwa          |
| 72. Bandi.                 | 125. Khajuria.          |
| 73. Barahra.               | 126. J.H.S. Mahraijunj. |
| 74. Kalmahi.               | 127. Bagapar.           |
| 75. Pakri.                 | 128. Bebharia           |
| 76. LakshmiGUNJ Ekdanga.   | 129. Jagpur.            |
| 77. Harakhpora.            |                         |

## SCHEDULE III

*Copy of the returning Officer's order dated March 13, 1952.*

D. O. No. 818.E.

Collector's House,  
Gorakhpur,  
March 13/14, 1952.

Dear Shri Saksena,

I enclose herewith a copy of my order passed on your application dated 20th February 1952, regarding appointment of your polling agents etc., for your information.

Yours sincerely,  
(Sd.) C. B. DUBE, I.A.S.

Encl. 1.

Shri Shibban Lal Saksena,  
C/o B. Parmeshwari Dayal,  
Mukhtar, Gorakhpur.

*Enclosure*

SUBJECT: Application of Sri Shibban Lal Saksena dated 20th February 1952 during the counting of votes.

ORDER

It is a fact that no polling agents of Sri Shibban Lal Saksena were present in the Polling Stations and the boxes therefore did not bear their seals. The fault was of Shri Saksena himself, as he failed to present in time applications for appointment of polling agents to me (Returning Officer) or to the District Election Officer who was Assistant Returning Officer in the Constituencies. The Asstt. Returning Officer was under my orders to be at his house till 8 A.M. on January 22nd and January 25th and no applications were presented to him by that time. I was myself present at the headquarters till 9 A.M. up to 21st and till 1 P.M. on the 24th. I was also available at Bansgaon till 8 A.M. on 22nd and at Gorakhpur on the 23rd and till the forenoon of 24th and again at Pharenda on the 25th. The Assistant Returning Officer was ordered by me to be at the Hqrs. till 8 A.M. on the 22nd and again till 8 A.M. on the 25th and he was always available at Hqrs. till the time for giving applications for appointment of polling agents was over for Shri Shibban Lal's constituency.

(Sd.) C. B. DUBE, I.A.S.

Returning Officer &  
District Magistrate,  
Gorakhpur.

Dated the 13th March, 1952.

SCHEDULE IV

List of Polling Stations in the Gorakhpur district (North) Constituency for the House of the People election, where the petitioner's voters not allowed to enter the polling booths or were made to wait for hours in the hot sun, or were not given ballot papers for the House of the People election, or ballot papers for absentee voters were issued and cast into the ballot boxes of respondent No. 1, or different symbols were pasted inside and outside the ballot boxes of the petitioner and respondent No. 1, or where wrong information was given to voters in regard to the petitioner's ballot boxes and his symbol:—

POLLING STATIONS:

- |                   |                     |
|-------------------|---------------------|
| 1. Surpar.        | 7. Agya.            |
| 2. Kataikot.      | 8. Sohrauli Buzurg. |
| 3. Sonohiraiya.   | 9. Lajar Mahadewa.  |
| 4. Babhni Buzurg. | 10. Anandnagar.     |
| 5. Laukahi.       | 11. Gopalpur.       |
| 6. Allahabas.     | 12. Ganeshpur       |

13. Nainsar.	40. Bisokhar.
14. Nawasagar.	41. Bijapur.
15. Mahdewa.	42. Karmahi
16. Hadidali.	43. Pakri.
17. Nautanwa.	44. Partawal.
18. Barwa Khurd.	45. Lakhima.
19. Siswa Khorla.	46. Mohammadpur.
20. Siswania.	47. Parsia Indarpur.
21. Baikunthpur.	48. Katrari.
22. Jugauli.	49. Barahra.
23. Nipania.	50. Harpur.
24. Sheotari.	51. Panaira
25. Taraini.	52. Kamasin.
26. Pipra.	53. Gonha
27. Shishgarh.	54. Gangl.
28. Manikapur.	55. Narkatha.
29. Barawa Chandapur.	56. Debipur.
30. Dashrathpur.	57. Majuri.
31. Basantpur.	58. Sohas.
32. Chautarwa.	59. Balda.
33. Khosta.	60. Jungle Burhan.
34. Hargaon.	61. Chetari.
35. Dhamaur.	62. Majahne Buzurg.
36. Ahrauli Bajha.	63. Sundaria.
37. Saurahna.	64. Patrangwa.
38. Mithaura Bazar.	65. Khajuria.
39. Pakri.	

#### SCHEDULE V.

*Copy of complaint filed by Shri Shibban Lal Saksena before the Returning Officer on 20th February, 1952.*

*The Returning Officer, Gorakhpur North (House of the People).*

"The ballot boxes used in my Constituency are extremely defective. In many of them the Presiding Officers have not taken care to put the seals after closing the upper lids of the ballot boxes tightly. The thread used is so long that many boxes can be opened without breaking the seal. In fact as you yourselves saw, I demonstrated the boxes of Nautanwan, Sihorwa and half-a-dozen other polling stations that they were opened without breaking the seal. You saw that about half the boxes could be opened if an effort was made without breaking the seals and you agreed that this was possible and the boxes were defective. I want to bring this fact on record and I hope you will be pleased to do it."

(Sd.) SHIBBAN LAL SAKSENA

*Dated the 20th February, 1952.*

*Copy of the Returning Officer's order on the above complaint.*

"There is a mechanical device on the ballot-boxes for closing. The whole device is covered with a flap which is also sealed. In cases where Presiding Officers did not take proper care to put two knots tightly before putting the seal is affixed is attached, it could be possible to open the ballot-boxes without injuring

the seals. In some cases which were brought to my notice by Shri Saksena, ballot boxes were properly closed, but after opening the flap, they could be opened without injuring the seal on account of the laziness referred to above of the Presiding Officers concerned. There was no tampering of any kind with the boxes".

(Sd.) C. B. DUBE, I.A.S.,

*Returning Officer,*

*Gorakhpur Dist. North Parl. Const.*

*Dated the 20th February, 1952.*

#### SCHEDULE VI

##### *Copies of the orders regarding the counting of votes*

##### (1)

Notice under section 64 Representation of the People Act, 1951 read with Rule 44(2) Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951.

Election to the House of the People January 1952 from Gorakhpur District (North) Constituency.

Sri Shibban Lal Saksena,

House No. 18, Mohalla Allahadpur,  
City Gorakhpur.

Please take notice that counting of votes in respect of the above noted Constituency will commence at 9 A.M. on February 4, 1952 at Police Lines, Gorakhpur and if it is not completed on the date fixed it will be carried over to the next day or subsequent days till it is completed, or such other date as may be fixed by me by subsequent order.

Counting will be carried out from 9 A.M. to 12 NOON and 1-30 P.M. to 5 P.M. on each day of counting.

Please inform your election and counting agent, if any, also of the date, time and place fixed for the counting.

(Sd.) C. B. DUBE,

GORAKHPUR,

*Dated the 31st January, 1952.*

*Returning Officer.*

##### (2)

Notice under section 64 Representation of the People Act, 1951 read with Rule 44(2) Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951.

Election to the House of the People January 1952, from Gorakhpur District North Constituency.

Sri Sibban Lal Saksena,

House No. 18, Mohalla Allahadpur,  
City Gorakhpur.

Please take notice that counting of votes in respect of the above noted Constituency will commence at 10 A.M. on February 19th, 1952 at Police Lines, Gorakhpur and if it is not completed on the date fixed it will be carried over to the next day or subsequent days till it is completed, or such other date as may be fixed by me by subsequent order.

Counting will be carried out from 10 A.M. to 1 P.M. and 2 P.M. to 5 P.M. on each day of counting.

Please inform your election and counting agent, if any, also of the date, time and place fixed for the counting.

GORAKHPUR,  
Dated the 13th February, 1952.

(Sd.) C. B. DUBE,  
Returning Officer.

(Sd.) SHIBBAN LAL SAXENA, *Petitioner.*

Dated the 22nd April, 1952.

I solemnly affirm that the facts in Schedules III, V and VI are true to the best of my knowledge and the facts in the remaining Schedules I, II and IV are true to the best of my information and belief.

(Sd.) SHIBBAN LAL SAXENA, *Petitioner.*

Dated the 22nd April, 1952.

BRIJ NARAIN, *Chairman,*  
*Election Tribunal, Gorakhpur.*

[No. 19/161/52-Elec.III.]  
P. S. SUBRAMANIAN,  
*for Chief Election Commissioner.*